

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LUCAS CONE CHAMBERLAIN,

Plaintiff,

-against-

SPLASHLIGHT, LLC; MICHAELA KREBS;  
BIJOU SUMMERS,

Defendants.

23-CV-6318 (VEC)

ORDER OF SERVICE

VALERIE CAPRONI, United States District Judge:

Plaintiff brings this *pro se* action under Title VII of the Civil Rights Act of 1964 and the New York State and City Human Rights Laws, alleging that his former employer discriminated against him based on his sex. By order dated July 26, 2023, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.

### DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>1</sup> *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Defendants Splashlight LLC, Michaela Krebs, and Bijou Summers through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a

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<sup>1</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that summonses be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each of these Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these Defendants.

If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

#### **CONCLUSION**

The Clerk of Court is directed to issue summonses, complete the USM-285 forms with the addresses for Splashlight LLC, Michaela Krebs, and Bijou Summers, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is further directed to mail an information package to Plaintiff.

**SO ORDERED.**

**Dated: August 15, 2023**  
**New York, New York**



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**VALERIE CAPRONI**  
**United States District Judge**

**DEFENDANTS AND SERVICE ADDRESSES**

1.     Splashlight LLC  
       75 Varick Street 3rd Floor  
       New York, New York 10013
2.     Michaela Krebs  
       Splashlight LLC  
       75 Varick Street, 3rd Floor  
       New York, New York 10013
3.     Bijou Summers  
       Splashlight LLC  
       75 Varick Street, 3rd Floor  
       New York, New York 10013